

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RANDALL E. COOK,

Petitioner,

vs.

CV 20-0476 KWR/JHR

RICHARD MARTINEZ and
ATTORNEY GENERAL OF THE
STATE OF NEW MEXICO,

Respondents.

ORDER DENYING PETITIONER'S
MOTION OF NON COMPLIANCE AS MOOT

THIS MATTER comes before the Court on Petitioner Randall Cook's Motion of Non Compliance [Doc. 24], filed January 18, 2022. Having thoroughly reviewed the parties' submissions and the relevant law, the Court denies the Motion as moot.

This is a § 2254 proceeding, and the Court allowed an amendment. [Doc. 14, pp. 5-6; Doc. 19]. Cook filed a second amended § 2254 petition on November 29, 2021, [Doc. 16], and Respondents answered on January 10, 2022. [Doc. 21].

On January 18, 2022, Cook filed this motion of non-compliance because he did not receive all the documents in the Respondents' answer. [Doc. 24, p. 1]. He asks for the documents and extra time to reply. [*Id.*, p. 3]. Respondents re-sent him a complete copy of its answer on January 19, 2022, and Cook acknowledged that he received all the documents. [Docs. 25, 26]. Cook then filed an amended reply on February 22, 2022. [Doc. 27].

Because Cook received all the documents, the Court denies his motion of non-compliance [Doc. 24] as **Moot**. The Court acknowledges that Respondents re-sent all the documents after Cook's Motion; therefore, the Court accepts Cook's amended reply [Doc. 27] as a reply to the

underlying amended petition [Doc. 16].

SO ORDERED.



JERRY H. RITTER
UNITED STATES MAGISTRATE JUDGE